

In the Court of Appeals of the State of Alaska

Don Adam Creech,
Appellant,

v.

State of Alaska,
Appellee.

Court of Appeals No. **A-13128**

Order

Request for Review of Clerk's Intention
to Enter Judgment for Costs of
Appointed Attorney

Date of Order: **5/2/22**

Trial Court Case No. **3PA-15-00264CR**

The Appellant, Don Adam Creech, filed a felony combined merit and sentence appeal in this Court. In *Creech v. State*, Memorandum Opinion No. 6980 (November 17, 2021), this Court affirmed the judgment and sentence imposed by the superior court.

Under Alaska Appellate Rule 209(b)(5), at the conclusion of any appellate case in which a criminal defendant is represented by court-appointed counsel, the Clerk of the Appellate Courts is directed to "enter judgment against the defendant for the cost of appointed appellate counsel unless the defendant's conviction was reversed by the appellate court." Because Creech was represented by court-appointed counsel in this appeal and his conviction was not reversed, the Appellate Court Clerk's Office intends to enter judgment against him in the amount of \$2,000.00 for the cost of counsel. *See* Alaska Appellate Rule 209(b)(6).

Creech now seeks judicial review of the Clerk's decision. *See* Alaska Appellate Rule 503(h)(2)(A). In his opposition to the entry of judgment for the cost of appellate counsel, Creech contends that he is currently indigent, and that a judgment for costs of appointed attorney will cause hardship to him and his family. But Creech's claim that he is currently indigent, and his belief that a judgment against him will cause

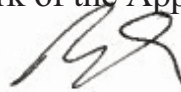
Creech v. State - p. 2
File No. A-13128
5/2/22

hardship to him and his family, are insufficient to relieve Creech from the scope of Appellate Rule 209(b).

Because Creech was represented by court-appointed counsel in this appeal and his conviction was not reversed, the decision of the Appellate Court Clerk to enter a \$2000.00 judgment for the cost of counsel under Appellate Rule 209(b) is **AFFIRMED**.

Entered at the direction of Chief Judge Allard.

Clerk of the Appellate Courts



Ryan Montgomery-Sythe,
Chief Deputy Clerk

cc: Don Creech at Spring Creek Correctional Center

Distribution:

Email:
Barr, Sharon, Public Defender
Beach, Ruthanne